

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

RICARDO CHILDRESS,
Petitioner,

v.

NATHANIEL QUARTERMAN,
DIRECTOR, TEXAS DEPT. OF
CRIMINAL JUSTICE–CORRECTIONAL
INSTITUTIONS DIVISION,
Respondent.

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C.A. NO. C-07-65


**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO DISMISS ACTION**

The United States Magistrate Judge filed her Memorandum and Recommendation on July 19, 2007 (D.E. 23). Petitioner did not file objections. When no timely objection is filed, the Court need only satisfy itself that there is no “clear error” on the face of the record in order to accept the Magistrate Judge’s recommendation. *See Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1420 (5th Cir.1996) (citing FED. R. CIV. P. 72(b) advisory committee’s note (1983)).

Having reviewed the pleadings and motions on file, the Court finds no clear error in the Magistrate Judge’s recommendation. The Court accepts the Magistrate Judge’s decision. Respondent’s Motion to Dismiss (D.E. 21) is GRANTED. The Court finds that petitioner’s habeas corpus petition is a second or successive petition because it challenges the same conviction as petitioner’s previous habeas corpus petitions and raises claims that were raised or could have been raised in those petitions. Accordingly, the Court does not

have jurisdiction to hear petitioner's claim and orders the claim DISMISSED without prejudice so that petitioner may seek authorization from the Fifth Circuit to file a second or successive habeas corpus petition. 28 U.S.C. § 2244(b)(3). Petitioner's Motion for a Stay (D.E. 22) is DENIED.

ORDERED this 7 day of Oct 2007.



HAYDEN HEAD
CHIEF JUDGE